

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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| UNITED STATES OF AMERICA : | CRIMINAL NO. _____ |
| v. | : DATE FILED: _____ |
| FELIX GREGORIO CAICEDO-MONTANO, | : VIOLATIONS: |
| a/k/a “Esteban Archibald.” | : 8 U.S.C. §§1326(a) and (b)(2) (illegal reentry |
| | : after deportation and commission |
| | : of aggravated felony - 1 count) |
| | : Notice of prior conviction |
| | : Notice of additional factors |

INDICTMENT

COUNT ONE

THE GRAND JURY CHARGES THAT:

On or about July 13, 2004, at Philadelphia, in the Eastern District of Pennsylvania, defendant

FELIX GREGORIO CAICEDO-MONTANO,

an alien and subject of Colombia, who had previously been deported and removed from the United States on or about December 17, 2001, was found in the United States, having knowingly and unlawfully reentered the United States without first applying to the United States Attorney General or his successor, the Secretary for Homeland Security (Title 6, United States Code, Sections 202(3), (4) and 557), for permission to reapply for admission, and without receiving in response the express consent of the Attorney General or his successor to reapply for admission.

In violation of Title 8, United States Code, Sections 1326(a) and (b)(2).

NOTICE OF PRIOR CONVICTION

Defendant **FELIX GREGORIO CAICEDO-MONTANO** committed the offense charged in Count One of this Indictment after having been convicted of at least one aggravated felony, as that term is defined and used in 8 U.S.C. §§ 1101(a)(43)(B) and 1326(b)(2), as follows:

On or about October 14, 1993, in the United States District Court, Southern District of Texas, defendant **FELIX GREGORIO CAICEDO-MONTANO** was convicted of possession with intent to distribute in excess of five grams of cocaine base, in violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(B), and possession with intent to distribute in excess of 50 grams of cocaine base, in violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(A), and was sentenced to 97 months incarceration and 120 months incarceration served concurrently.

NOTICE OF ADDITIONAL FACTORS

THE UNITED STATES ATTORNEY FURTHER CHARGES THAT:

1. In committing the offense charged in Count One of this indictment, defendant **FELIX GREGORIO CAICEDO-MONTANO** committed the instant offense while under a criminal justice sentence, that is, supervised release, as defined by U.S.S.G. § 4A1.1(d).

A TRUE BILL:

FOREPERSON

PATRICK L. MEEHAN
United States Attorney